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This week's HIPAAnote...

*** Fax Management and Business Associates ***

On the surface, sending and receiving protected health information (PHI) in paper and other non-electronic formats, e.g., facsimiles (faxes), may seem difficult to manage under HIPAA Privacy requirements. One way to identify such fax usage and the business associates (BAs) who are involved, is to start collecting facsimile logs. Health information management staff should be able to associate each fax number with a specific BA in a database. When you negotiate your BA Agreements, clearly mark which facsimile machines are authorized to receive PHI, as not all facsimile machines may be in a secure area.

Will your organization have to establish a "Fax Policy"? Properly framed and executed, your policies and procedures should be adequate to restrict the release of PHI to only approved BAs. For example, in high-problem areas, there are technical ways to limit where your facsimile machines can dial. If you have an internal telephone network consisting of PBXs and/or Key Systems, several models allow you to restrict where a certain network extension can dial. Since your facsimile is most likely on an extension, consider programming your PBX so that only certain numbers can be reached. Other facsimile machines have 'pre-programmed' speed-dial numbers and a handset. For these, pre-program the list of authorized locations.

Due diligence is also important. Don't forget to turn on the facsimile auditing feature and gather up those audit logs. In order to prove due diligence, you should assign a resource to review these logs and document unauthorized or suspicious calls in a variance report. Action must be taken when a variance is found, including determining whether there was an applicable policy or procedure governing the circumstances, or whether human error created the variance. If there was a human error, additional training may be required, unless the variance was obviously a one-time event that can easily be prevented from occurring again. Similarly, if there were errors or inadequacies in policies and procedures, these will require corrective

action.

Finally, take your releases of PHI seriously. Complaints by patients, "bad press," loss of public confidence and fines could build up quickly if you don't have a solid, comprehensive Privacy program.

Clyde Hewitt, Principal
Phoenix Health Systems

For more information, read our Fax Facts on sending and receiving faxes that contain PHI:
http://www.hipaadvisory.com/action/faxfacts.htm

That's today's HIPAAnote...now, pass it along!

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